

Message Text

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ACTION EB-07

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FM AMCONSUL HONG KONG

TO SECSTATE WASHDC PRIORITY 1542

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C O N F I D E N T I A L HONG KONG 9279

E.O. 11652: GDS

TAGS: EAIR, CASC (AST, HARRY), HK, UK

SUBJECT: OBLIGATIONS OF INTERNATIONAL AIRLINES

REF: (A) HONG KONG 8729; (B) STATE 184690

1. SUMMARY. REFTELS AND PREVIOUS MESSAGES DESCRIBED STATUS AMCIT HARRY AST NOW HELD PSYCHIATRIC WARD LOCAL HOSPITAL FOLLOWING ASSAULT ON CONSULAR OFFICER AND ISSUANCE HKG ORDER FOR REMOVAL FROM COLONY. ALTHOUGH AST NOT DECLARED LEGALLY INCOMPETENT, HKG HAS ORDERED AST TO PAY HIS OWN FARE TO U.S. WHERE HE DOES NOT WISH TO GO AND ORDERED PANAM TO CARRY HIM OVER CARRIER'S OBJECTIONS. END SUMMARY.

2. AS HAS LONG RECORD MENTAL ILLNESS IN U.S. AND ASSAULTED FELLOW PASSENGER WHILE INBOUND HONG KONG. FOLLOWING ARRIVAL HERE, AST ASSAULTED AND STABBED CONGENOFFICER.

3. HKG AUTHORITIES RELEASED HIM FROM JAIL TO PSYCHIATRIC WARD UNDER REMOVAL NOT DEPORTATION ORDER AND HAS, OVER SEVERAL WEEKS, ATTEMPTED FORCE PANAM CARRY HIM TO NEAREST U.S. ENTRY POINT. HKG CITES LOCAL LAW AS AUTHORITY FOR SUCH ACTION.

4. PANAM CONTENTS AST TO BE DANGER TO OTHER PASSENGERS AND WILL NOT CARRY HIM WITHOUT SUITABLE MEDICAL ESCORT AND SEDATION. HOWEVER, AS AST NEVER DECLARED LEGALLY INCOMPETENT, NEITHER HKG NOR CONGEN HAS RIGHT TO DISBURSE HIS FUNDS OVER HIS OBJECTIONS.

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5. THE SITUATION IS PRESENTLY AT AN IMPASSE BUT COULD DEVELOP INTO CONFRONTATION BETWEEN PANAM AND HKG. SHOULD PUSH COME TO SHOVE, HKG COULD IMPOSE SUBSTANTIAL FISCAL OR OTHER PENALTIES ON PANAM FOR CARRIER'S REFUSAL OBEY LOCAL LAW.

6. ACTION REQUESTED: CONSULATE REQUESTS ANALYSIS AND RECOMMENDATIONS OF LEGAL ADVISOR AND OFFICE OF AVIATION AFFAIRS AS TO ANY OUTSTANDING TREATY OR INTERNATIONAL LAW OBLIGATIONS TO WHICH BOTH USG AND HMG ARE PARTY WHICH STIPULATE OBLIGATIONS OF INTERNATIONAL CARRIERS IN SUCH CIRCUMSTANCES.
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